

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-9 were pending prior to the Office Action. No claims have been added through this reply. No claims have been canceled through this reply. Therefore, claims 1-9 are pending. Claim 1 is independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Allowable Subject Matter

Applicants appreciate that claims 2-9 are indicated to be allowable.

Substance of Interview

Applicants appreciate that the Examiner has granted and conducted an interview (after a Final Office Action) with the Applicants' representative. An agreement with respect to the claims was reached. The Examiner agreed that the claims amendments submitted herewith overcomes both grounds of rejections under 35 U.S.C. 102 and 112. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. 102 and 112 rejections.

Claim Rejection - 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, asserting that claims 1-9 are allegedly indefinite.

Applicants have amended claims merely to clarify the claimed apparatus to move prosecution forward.

First, Applicants have amended independent claim 1 to clearly illustrate that the steam suction device is above the heater of the barrel shape pot.

Second, Applicants have amended independent claim 1 to clearly illustrate the directional relationship of the steam suction device to the barrel shape pot. More specifically,

the claimed apparatus now clearly recites that the barrel shape pot is flattened in a lateral direction, the lateral direction being perpendicular to a vertical, longitudinal axis of said barrel shape pot, and the steam suction device extends laterally such that the steam suction device transects said barrel shape pot in the lateral direction.

Therefore, Applicants respectfully submit that these amendments provide the necessary structural context of the barrel shape pot and also the relationship of the steam suction device to the barrel shape pot.

The claim amendments overcome the rejection under 35 U.S.C. § 112 as previously indicated by the Examiner. (See Interview Summary dated July 15, 2009.) Therefore, the rejection to claims should be withdrawn.

Claim Rejection - 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102 (b) as being allegedly anticipated by Yamada et al. (JP 05-96941 hereinafter JP941). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, JP941 fails to teach or suggest each and every claimed element.

Independent claim 1 has been amended to include additional limitations. More specifically, claim 1 as amended recites, *inter alia*, “said barrel shape pot is flattened in a lateral direction, the lateral direction being perpendicular to a vertical, longitudinal axis of said barrel shape pot;... and a steam suction device that laterally extends, above the heater in the barrel shape pot such that the steam suction device transects said barrel shape pot in the lateral direction.”

In contrast to the claimed apparatus, JP941 merely discloses a vehicle humidifying steam generating device (Figure 1A) having a heater (element 16) that generates steam into an open area (chamber identified with floor 121) and the steam in the open area is fed to a nozzle (element 23) through a steam pipe (element 24) via the top of the open area.

Argument A: JP941 fails to explicitly disclose transecting the barrel shaped pot:

The Examiner cites to JP941 for a vehicle humidifying device (Figure 1A). However, this vehicle humidifying device's steam pipe (element 24) merely connects to the open area (chamber identified with floor 121). The vehicle humidifying device's steam pipe does not truly transect the open area as required by the claimed features of the claimed apparatus. Therefore, JP941 fails to explicitly disclose a steam suction device *transects* a barrel shape pot.

Argument B: JP941 fails to explicitly disclose transecting the pot in the lateral direction:

Further, JP941's steam pipe merely connects to the top of the open area (in its longitudinal direction) instead of at the side (in its lateral direction) as required by the claimed features of the claimed apparatus.

More specifically, the claimed invention clearly illustrates that the steam suction device transects said barrel shape pot at the side (lateral direction) because the lateral direction being perpendicular to a vertical, longitudinal axis of said barrel shape pot and the steam suction device that extends laterally such that the steam suction device transects said barrel shape pot in the lateral direction. In contrast to the claimed apparatus, JP941 merely connects to the open area in its longitudinal direction (*i.e.*, connecting to the top of the open area) instead of in its lateral direction (*i.e.*, connecting to the side of the open area.) Therefore, JP941 fails to explicitly disclose a steam suction device *transects* a barrel shape pot *in the lateral direction*.

Further, the claimed apparatus is provided with many benefits because the steam suction device transects the pot in the lateral direction (side of pot). For example, one benefit as disclosed by the specification is that this arrangement "permits the steam suction portion to suck in the generated steam evenly." (See specification, page 3, paragraph 6.)

Claim 1 is submitted to be allowable over JP941 for at least the reasons above. Further, the claim amendments overcome the rejection under 35 U.S.C. § 102(b) as previously indicated by the Examiner. (See Interview Summary dated July 15, 2009.) Therefore, the 35 U.S.C. § 102(b) rejection of claim 1 should be withdrawn.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 102(b).

Reconsideration and allowance of claim 1 is respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, claim 1 and new dependent claims are believed to be distinguishable over JP941. It has been shown above that the cited reference(s), individually or in combination, may not be relied upon to show at least these features. Therefore, all claims are distinguishable over the cited references.

In view of the above remarks and amendments, it is believed that the pending application is in condition for allowance.


Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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